

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Janet A. Barnett, et al. **Examiner:** Naresh Vig
Serial No: 09/735,058 **Art Unit:** 3629
Filed: December 12, 2000 **Docket:** 13361
For: NETWORK DYNAMIC SERVICE AVAILABILITY
Confirmation No.: 4588 **Date:** June 28, 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

The Applicant has filed this Pre-Appeal Brief Request for Review pursuant to the New Pre-Appeal Brief Conference Pilot Program announced in the OG of 12 July 2005 in reply to the outstanding Official Action dated April 5, 2007.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on July 28, 2007.

Dated: June 28, 2007


Katherine R. Vieyra

REMARKS

Clear Error in the Examiner's Rejections

The Examiner commits clear error in the rejection of claims 1-7 under 35 U.S.C. §103(a) as unpatentable over Tso, et al., U.S. Patent 6,892,226 (hereinafter "Tso") in view of PointCast.com (hereinafter "PointCast"). The Examiner asserts that Tso in view of PointCast discloses each feature recited in claim 1. However, the Examiner does not indicate text in either Tso or PointCast that illustrates this alleged disclosure of these features. In particular, the Examiner does not specifically point out where a Lookup Server as recited in claim 1 is disclosed in either Tso or PointCast. Applicant submits that the Examiner's contention is clear error.

Claim 1 recites a Lookup Server configured to provide, in response to said access control information, dynamic notification to the browser of the user of the availability of the eCommerce service for performing commercial transactions. Access control information, as described in the specification, includes a variety of data about the user including the groups to which the user belongs, a directory path for storage or results, and a user e-mail address (page 10, line 22 to page 11, line 2). The groups indicate the services, such as payment services, user profiling services, reporting services, and other service provider applications, that the user is authorized to access. "Lookup Servers 230 act as a registry for tracking all available services that share the same group identification" (page 12, lines 5-9).

Tso discloses a dynamic advertising module programmed to control the display of advertising content on a client device (column 3, lines 48-49), and that the advertising content could be any dynamic content, that is, content that is not specifically

requested by the user (column 3, lines 5-7). In contrast to applicant's invention, Tso discloses that dynamic content is automatically presented in response to a user's request for a data object; the dynamic content is presented in addition to presenting this requested data object (column 2, lines 30-33). Tso does not disclose or suggest access control information, e.g. information indicating the services the user is authorized to access, and does not disclose or suggest a Lookup Server configured to provide dynamic notification in response to the access control information.

PointCast does not overcome this deficiency. PointCast does not disclose or suggest notification of the availability of eCommerce services for performing commercial transactions, but merely notifies a user of data, such as news, weather, or sports scores. Further, PointCast does not disclose or suggest access control information including groups indicating services that the user is authorized to access. Hence, the hypothetical combination of Tso and PointCast does not disclose or suggest *a Lookup Server* configured to provide, *in response to said access control information*, dynamic notification to the browser of the user of the availability of eCommerce services. A user of applicant's inventive system recited in claim 1 receives dynamic notification of eCommerce services that are available to the user; the availability is based on the user's interest and authorization to access the services, which is determined from the user's access control information via a Lookup Server. By contrast, a user of a system combining Tso and PointCast would not obtain notification of eCommerce services which are both interesting to and accessible by the user.

Therefore, the Examiner is in error when he states that claim 1 is obvious over Tso in view of PointCast. Claims 2-7 depend from claim 1, each dependent claim

incorporating all of the features and limitations of the base claim. Therefore the Examiner's rejection of claims 1-7 is clear error.

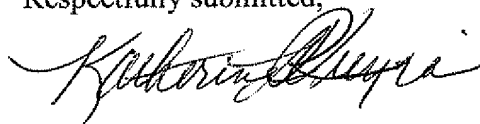
Similarly, the Examiner's rejection of claims 8, 9, and 11 under 35 U.S.C. §103(a) as unpatentable over Tso in view of PointCast and "IBM DCE V3.1 for AIX and IBM DCE V3.1 for Solaris" (hereinafter "IBM") is clear error. The Examiner contends that Tso in view of PointCast discloses "a database in communication with the network server and including user, group and services information, said database storing at least client information" but does not provide text in either reference to support this contention. Applicant submits that the Examiner's contention is clear error.

Neither Tso nor PointCast discloses or suggests user, group, service or client information or a database storing at least client information. As discussed above, Tso discloses presenting dynamic content to a user in addition to the presentation of the requested data object (column 2, lines 31-33), so that a user receives content in response to a request for a particular data object, not based on user, group, services or client information. PointCast also does not teach or suggest user, group, services or client information, and does not disclose or suggest a database storing client information. Thus the hypothetical combination of Tso and PointCast does not disclose or suggest each and every feature of claim 8. IBM does not overcome this deficiency and the Examiner does not state otherwise. Claims 9 and 11 depend from claim 8, each incorporating all of the features and limitations of the base claim. Therefore the Examiner's rejection of claims 8, 9, and 11 is clear error.

Conclusion

Based on the above arguments and remarks, applicant respectfully submits that there are clear errors in the Examiner's rejections. Thus, applicant submits that the rejections must be reversed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Katherine R. Vieyra'.

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		13361	
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	09/735,058	December 12, 2000	
	First Named Inventor		
	Janet A. Barnett, et al.		
	Art Unit	Examiner	
	3629	Naresh Vig	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Paul J. Esatto, Jr.	
<input checked="" type="checkbox"/>	attorney or agent of record.	Typed or printed name	
	Registration number 30,749	(516) 742-4343	
		Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34.	June 28, 2007	
	Registration number if acting under 37 CFR 1.34	Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☒ *Total of 1 forms are submitted.

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